

STATE ELECTION COMMISSION
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

January 21, 2009
10:00 a.m.

Present: Mr. John H. Hudgens, III, Chairman; Mr. Tracey C. Green; Ms. Cynthia M. Bensch (via teleconference); Ms. Pamella B. Pinson (via teleconference); and Mr. Thomas Waring (via teleconference)

Others Present: Ms. Marci Andino, Executive Director; Ms. Donna Royson, Deputy Director; Mr. Chris Whitmire, Public Information Officer

THE MEETING OF THE STATE ELECTION COMMISSION WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting of the State Election Commission (SEC) to order and asked if all notices of the meeting were posted as required by the Freedom of Information Act. Ms. Andino replied that the notices had been posted.

The first order of business was the approval of minutes from the November 12, 2008, meeting of the State Election Commission; and the minutes from the November 12, 2008, meeting of the State Board of Canvassers. Ms. Bensch moved to approve both sets of minutes. Ms. Pinson seconded the motion. The motion passed unanimously.

The next order of business was an update on the protests and appeals associated with the General Election. Chairman Hudgens thanked all Commissioners and SEC staff for their hard work during the protest and appeal hearings. Ms. Andino stated that the State House of Representatives District 115 appeal had been withdrawn, and that all protests and appeals had now been resolved. Mr. Waring asked whether there needed to be original signatures from all commissioners on a single copy of each order from the protest and appeal hearings. Ms. Andino stated that the orders were circulated for signatures via fax and e-mail but that when all members are present in Columbia, original signatures would be collected on a single document.

The next order of business was a discussion of changes in the process Commissioners follow when filing Statement of Economic Interest Forms with the State Ethics Commission. Chairman Hudgens stated that each member should have received information regarding filing the forms online, and that each should contact the Ethics Commission for a password. Ms. Andino reminded Commissioners that the deadline to file is April 15, 2009 and that there is a fine for filing late.

The next order of business was a review of the SEC's policy on fusion candidates. Ms. Andino stated that the issue of fusion candidacies seems to come up during each election year. She stated that the SEC last discussed fusion candidacies in April 2008, at which time a fusion candidate policy was adopted. Ms. Andino continued that the policy was adopted after the March 2008 filing period, and the purpose of the current discussion was to reaffirm that policy so that it could be made widely known prior to the 2010 filing period. Mr. Hudgens asked if the policy would be distributed to candidates and political parties and posted online. Ms. Andino replied that it would.

The next order of business was an update on agency budget reductions. Ms. Andino stated that the Agency's budget had been reduced by 20% since July 1, 2008, and that cuts will carry forward to next fiscal year. She stated no reductions in force or furloughs were currently necessary. Ms. Andino stated that as of now, all cuts had been absorbed in operating costs. An example given was that \$65,000 in aid to county voter registration offices had been eliminated. This aid had been in effect since the 1960s and was meant to help keep those offices open full time, as many then were open only part time. Ms. Andino stated that further cuts seemed likely, and that a reduction in force is possible in April and even more likely in July.

The next item of discussion was the statewide voter registration system. Chairman Hudgens read the section of the November 12, 2008, minutes in which a discussion of the system was recorded. Chairman Hudgens stated that SEC staff had recognized a need for a new system, but funding was currently unavailable. Ms. Andino concurred and stated that the Agency has requested that the General Assembly allow Primary and General Election carryover funds to be used for development of a new voter registration system. Currently, those funds are earmarked for future elections. Ms. Andino stated that the House Ways and Means Committee has not yet taken up the proviso. She said if approved, the next step would be issuing a Request for Proposals (RFP) for development of a new system. Chairman Hudgens asked what would happen if it were not approved? Ms. Andino stated the current system would continue to be used. Chairman Hudgens asked if it was possible for funding to be requested as a separate line item in the state budget. Ms. Andino replied that that scenario would be unlikely in the current budget climate. Ms. Bensch asked if it was a concern that the current system may not be compliant with the requirements of Title III of the Help America Vote Act. Ms. Andino replied that the system was modified in 2003 to meet HAVA requirements. (Ms. Pinson dropped from the teleconference due to technical issues.) At the request of Chairman Hudgens, Ms. Andino summarized the shortcomings of the current system. The Commissioners and Ms. Andino discussed failed efforts to have a new system developed by the Division of State Information Technology and the SEC's decision to discontinue efforts to recoup funds spent on that development.

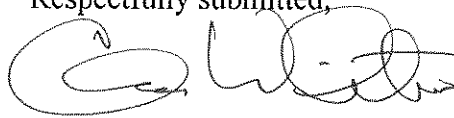
Ms. Bensch stated she was concerned with making sure errors discovered in the Beaufort County Voter Registration were corrected prior to the 2010 elections. Ms. Andino explained how such errors are detected, and how county voter registration boards go about correcting those errors. Chairman Hudgens suggested that Ms. Bensch address her concerns by offering the Beaufort office support from the SEC in the form of information and guidance.

The next order of business was upcoming meetings. The Commissioners discussed potential dates and times, and Chairman Hudgens set the next meeting of the SEC for February 18, 2009, at 10:00 a.m. A tentative meeting of the State Board of Canvassers was set for March 13, 2009, at 11:00 a.m. for the purpose of certifying any primaries associated with the State House District 30 Special Election. A meeting of the SEC was set for May 1, 2009, at 2:00 p.m., at which time a meeting of the State Board of Canvassers would also be held for the purposes of certifying the State House District 30 Special Election.

The next item of discussion was new legislation pending in the S.C. General Assembly. Ms. Andino briefed Commissioners on bills dealing with early voting, the conduct of presidential primaries, election day voter registration, and requiring photo ID at polling places.

There being no further business, Mr. Green moved to adjourn the meeting of the State Election Commission. Mr. Waring seconded the motion. The motion carried unanimously and the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Whitmire', with a stylized flourish at the end.

Chris Whitmire
Public Information Officer

**STATE BOARD OF CANVASSERS
2221 DEVINE STREET, SUITE 105
COLUMBIA, SOUTH CAROLINA 29205**

February 11, 2009
10:00 a.m.

Re: Donnie Dowd vs. Lexington County Board of Elections and Voter Registration

Present: Mr. John Hudgens, III, Chairman; Mrs. Cynthia Bensch; Mr. Tracey Green; and Mrs. Pamella Pinson

Also Present: Ms. Marci Andino, Executive Director; Mrs. Cindy Peel, Administrative Assistant; Ms. Mary Frances Jowers, Esquire, Attorney General's Office; Mr. Donnie Dowd, Appellant; Mr. Dean Crepes, Director of the Lexington County Board of Elections and Voter Registration; and Mr. Jeff M. Anderson, Esquire, Attorney for Respondent.

Chairman Hudgens convened the meeting of the State Board of Canvassers to hear the Appeal from Mr. Donnie Dowd, candidate for the Gaston Town Council municipal election. Introductions were made.

Chairman Hudgens stated that in order to hear an Appeal in a de novo capacity; a motion would have to be made. Hearing none, the State Board of Canvassers heard the appeal in its appellant capacity; limited to the record before the local commission. Mr. Green advised both parties that he wanted the record to reflect that Kelly Delk was a member of his church but that he did not have a close association with Mr. Delk. Mr. Green asked both parties to take time to consider whether they have any objection to him participating in the hearing today. Both parties stated that they had no objections to Mr. Green's participation in the case. Chairman Hudgens then asked whether any other candidates were present and if so, did they wish to speak. Mr. Sharpe was present and stated no, he did not wish to speak.

The State Board of Canvassers heard remarks from Mr. Dowd and Mr. Anderson.

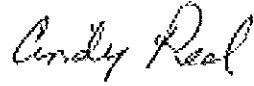
Mrs. Pinson made a motion to go into executive session. Mrs. Bensch seconded the motion. The motion passed unanimously. When the Board returned from executive session, Chairman Hudgens asked for a motion to return from executive session and reconvene the hearing. Mrs. Pinson so moved and Mr. Green seconded the motion. The motion passed unanimously.

Chairman Hudgens stated for the record that the State Board of Canvassers had received legal advice and that no decisions were made while in executive session.

Mrs. Pinson moved that the State Board of Canvassers uphold the county's decision. Mrs. Bensch seconded the motion. The motion passed unanimously. Chairman Hudgens then asked

for a motion to adjourn. Mr. Green made the motion to adjourn the hearing and Mrs. Bensch seconded the motion. The hearing adjourned.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Cindy Peel".

Cindy Peel
Administrative Assistant

STATE ELECTION COMMISSION
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

February 11, 2009
10:00 a.m.

Present: Mr. John H. Hudgens, III, Chairman; Mr. Tracey C. Green; Ms. Cynthia M. Bensch; and Ms. Pamela B. Pinson

Others Present: Ms. Marci Andino, Executive Director; Mr. Chris Whitmire, Public Information Officer; and Ms. Mary Frances Jowers, S.C. Attorney General's office

THE MEETING OF THE STATE ELECTION COMMISSION WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting of the State Election Commission (SEC) to order and asked if all notices of the meeting were posted as required by the Freedom of Information Act. Ms. Andino replied that the notices had been posted.

The first order of business was the approval of minutes from the December 3, 2008, protest and appeal hearings held by the State Board of Canvassers and the January 21, 2009, meeting of the SEC. Ms. Pinson moved to approve both sets of minutes. Mr. Green seconded the motion. The motion passed unanimously.

The next order of business was an update on the agency budget. Ms. Andino stated the agency budget had been reduced by twenty percent since July 1, 2008, and that more cuts are possible.

The next order of business was the filing of Statement of Economic Interest forms. Chairman Hudgens reminded all board members and applicable staff to file the forms with the State Ethics Commission prior to April 15, 2009.

The next order of business was an update on pending legislation. Ms. Andino updated the board on various bills that would, if enacted, establish early voting, require voters to show a photo ID to vote, and prevent candidates from accepting multiple nominations from multiple political parties for a single office.

The next order of business was an update on the pending litigation, S.C. Green Party vs. SEC. Ms. Andino stated that the SEC had been ordered by the court to provide information related to filing by fusion candidates dating back to 1968, and that staff is working on compiling that information.

The next order of business was an update on the State House of Representatives District 30 Special Election. Ms. Andino stated that filing had closed, and that five republican candidates and two democratic candidates had filed for the seat. The fact that multiple candidates filed from each party will require two primaries to be held on March 10th.

Board members then discussed scheduling of upcoming meetings. Chairman Hudgens set the next meeting of the SEC for 11:00 a.m., March 13, 2009, at which time the State Board of Canvassers will also meet to certify the results of the State House District 30 Primaries.

Chairman Hudgens stated that the State Board of Canvassers would meet again, if necessary, at 11:00 a.m. on March 27, 2009, to certify the results of any runoff associated with the primary.

There being no further business, Mr. Green moved to adjourn the meeting of the State Election Commission. Ms. Pinson seconded the motion. The motion carried unanimously and the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Whitmire", written over a horizontal line.

Chris Whitmire
Public Information Officer

**STATE BOARD OF CANVASSERS
2221 DEVINE STREET, SUITE 105
COLUMBIA, SOUTH CAROLINA 29205**

**March 13, 2009
11:00 a.m.**

Re: Certification of House District 30 Democratic and Republican Primaries

Members Present: Mr. Tracey C. Green, Acting Chairman; Ms. Cynthia M. Bensch; and Mr. Tom Waring

Others Present: Ms. Marci Andino, Executive Director and Ms. Donna Royson, Executive Deputy Director

THE MEETING OF THE STATE BOARD OF CANVASSERS WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Mr. Green called the meeting of the State Board of Canvassers to order and asked if all notices of the meeting were posted as required by the Freedom of Information Act. Ms. Andino replied that the notices had been posted.

The first order of business was certification of the results from the March 10, 2009 Democratic Primary for House District 30 in Cherokee County. Ms. Andino distributed reports certified by the County Board of Canvassers with results as follows:

<u>Candidate</u>	<u>Votes Received</u>
Joe Mac Skinner	67
Tim Spencer	<u>529</u>
Total	596

Ms. Bensch made a motion to certify the results of the Democratic Primary for House District 30 and declare Mr. Tim Spencer as the winner in this primary. Mr. Waring seconded the motion and it was passed unanimously.

The second order of business was certification of the results from the March 10, 2009 Republican Primary for House District 30 in Cherokee County. Ms. Andino distributed reports certified by the County Board of Canvassers with results as follows:

<u>Candidate</u>	<u>Votes Received</u>
Bobby Beattie	419
H. Bailey Humphries	181
Steve Moss	545
Scott Ramsey	532

Libby W. Swad
Total

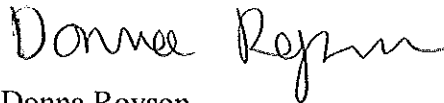
169
1,846

Ms. Bensch made a motion to certify the results of the Republican Primary for House District 30 and order a run-off between Candidates Moss and Ramsey. Mr. Waring seconded the motion and it was passed unanimously.

Mr. Green stated that the State Board of Canvassers would meet on March 27, 2009 at 11:00 a.m. to certify the results of the March 24, 2009 Republican Primary Run-off for House District 30.

Ms. Bensch moved to adjourn the meeting of the State Board of Canvassers. Mr. Waring seconded the motion. The motion carried unanimously and the meeting was adjourned.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Donna Royson".

Donna Royson
Deputy Executive Director

**STATE ELECTION COMMISSION
2221 DEVINE STREET, SUITE 105
COLUMBIA, SOUTH CAROLINA 29205**

**March 13, 2009
11:00 a.m.**

Members Present: Mr. Tracey C. Green, Acting Chairman; Ms. Cynthia M. Bensch; and Mr. Tom Waring

Others Present: Ms. Marci Andino, Executive Director and Ms. Donna Royson, Executive Deputy Director

THE MEETING OF THE STATE ELECTION COMMISSION WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Mr. Green called the meeting of the State Election Commission to order and asked if all notices of the meeting were posted as required by the Freedom of Information Act. Ms. Andino replied that the notices had been posted.

The first order of business was the approval of minutes from the February 11, 2009 meeting of the State Board of Canvassers. Mr. Green presented an amendment to the minutes and asked that their approval be carried over until the next meeting.

The second order of business was the approval of minutes from the February 11, 2009 meeting of the State Election Commission. Ms. Bensch made a motion to approve the minutes as drafted. Mr. Waring seconded the motion and it passed unanimously.

Ms. Andino updated the Commission on status of the Agency budget. She explained that a recent sub-committee meeting consisting of Senators Thomas, Ryberg, and Land was held to discuss the budget. The committee did not approve a request to use remaining primary and general election funds to purchase a new voter registration system.

Ms. Andino reminded Commissioners to file their Statement of Economic Interests forms by April 15, 2009.

Ms. Andino presented an update on pending legislation concerning early voting, requiring voters to present photo identification, fusion candidates, and removal of straight party voting.

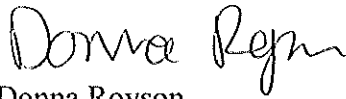
Ms. Andino discussed the State Training and Certification Program for county staff, board members, and commissioners who are required to complete the program within 18 months of hire or appointment. 2007 Legislation allows the Governor to remove board members and commissioners who have not completed the training or satisfied the yearly continuing education credit. A letter containing the names of 100 people who have not satisfied the training requirements will be delivered to the Governor within a week. The Agency is also required to

withhold compensation for board and commission members who have not satisfied their training requirements.

Mr. Green reminded commissioners that the State Board of Canvassers meeting will be held on March 27th, 2009 at 11:00 a.m. to certify the Republican Primary Run-off for House District 30 and the next meeting of the State Election Commission will be held on April 15th at 11:00 a.m.

Mr. Waring moved that the meeting be adjourned. Ms. Bensch seconded the motion and the meeting was adjourned.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Donna Royson".

Donna Royson
Deputy Executive Director

STATE BOARD OF CANVASSERS
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

March 27, 2009
11:00 a.m.

Present: Mr. John H. Hudgens, III, Chairman; Mr. Tracey C. Green; and Ms. Pamela B. Pinson

Others Present: Ms. Marci Andino, Executive Director; and Mr. Chris Whitmire, Public Information Officer

THE MEETING OF THE STATE BOARD OF CANVASSERS WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting of the State Board of Canvassers to order and asked if all notices of the meeting were posted as required by the Freedom of Information Act. Ms. Andino replied that the notices had been posted.

The first order of business was certification of the results of the March 24, 2009, House District 30 Republican Primary Runoff.

Ms. Andino presented the results of the Runoff to the commissioners as certified by the Cherokee County Election Commission. The results were as follows:

Steve Moss – 1,237 Winner
Scott Ramsey – 813

Board members reviewed the results. Mr. Green moved to certify the results as presented. Ms. Pinson seconded the motion. The motion carried unanimously and the results were certified.

There being no further business, Ms. Pinson moved to adjourn the meeting of the State Board of Canvassers. Mr. Green seconded the motion. The motion carried unanimously and the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Chris Whitmire', written over a horizontal line.

Chris Whitmire
Public Information Officer

STATE BOARD OF CANVASSERS
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

May 1, 2009
2:00 p.m.

Present: Mr. Tracey C. Green; Ms. Pamella B. Pinson; and Ms. Cynthia M. Bensch

Others Present: Mr. Garry Baum, Public Information Director and Cindy Peel,
Administrative Assistant

THE MEETING OF THE STATE BOARD OF CANVASSERS WAS HELD PURSUANT TO THE
FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Commissioner Green called the meeting of the State Board of Canvassers to order and asked if all notices of the meeting were posted as required by the Freedom of Information Act. Mr. Baum replied that the notices had been posted.

The first order of business was certification of the results of the SC House of Representatives District 30 special election held on April 28, 2009.

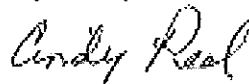
Mr. Baum presented the results of the special election to the commissioners as certified by the Cherokee County Election Commission. The results were as follows:

Steve Moss – 2,177 *Winner
Tim Spencer – 1,881
Write-In - 1

Board members reviewed the results. Ms. Pinson moved to certify the results as presented. Ms. Bensch seconded the motion. The motion carried unanimously and the results were certified.

There being no further business, Ms. Bensch moved to adjourn the meeting of the State Board of Canvassers. Ms. Pinson seconded the motion. The motion carried unanimously and the meeting was adjourned.

Respectfully submitted,



Cindy Peel
Administrative Assistant

STATE ELECTION COMMISSION
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

May 20, 2009
10:00 a.m.

Present: Mr. John H. Hudgens, III, Chairman; Mr. Tracey C. Green; Ms. Cynthia M. Bensch (via teleconference); Ms. Pamella B. Pinson (via teleconference); and Mr. Tom Waring (via teleconference)

Others Present: Ms. Marci Andino, Executive Director; Ms. Donna Royson, Deputy Executive Director; and Mr. Chris Whitmire, Public Information Officer

THE MEETING OF THE STATE ELECTION COMMISSION WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting of the State Election Commission (SEC) to order and asked if all notices of the meeting were posted as required by the Freedom of Information Act. Ms. Andino replied that the notices had been posted.

The first order of business was the approval of minutes from the following meetings:

February 11, 2009, State Board of Canvassers
March 13, 2009, State Board of Canvassers and State Election Commission
March 27, 2009, State Board of Canvassers
May 1, 2009 State Board of Canvassers

Chairman Hudgens reviewed each set of minutes to be approved and asked if any member had any changes to be made. There were no motions for changes to any of the minutes. Ms. Bensch moved to approve all minutes as they were. Ms. Pinson seconded the motion. The motion passed unanimously and the minutes were approved.

Ms. Andino gave an update on compliance with the Training and Certification Program requirements. Ms. Andino stated that legislation passed in 2007 requires the Governor to remove county voter registration board and election commission members who do not complete the Program and maintain their certifications as required by law. In April, the SEC sent the Governor's office a list of all members who had not met their requirements. Also, the 2007 Appropriations Act contains a proviso that requires the SEC to withhold stipends of non-compliant members. Non-compliant members were notified of this requirement. Ms. Andino stated that interest in the training program is on the rise, and that SEC staff had already seen some improvement in compliance. She also stated that the SEC is holding additional classes, as well as regional classes and classes on weekends to meet demand.

The next order of business was modifications to the state's voting system. Ms. Royson presented details of engineering change orders from Election Systems and Software comprised of modifications to the M100 scanner, the M650 scanner, and the iVotronic voting machine. Ms. Royson stated that the changes had been reviewed by Election Assistance Commission-accredited Voting System Test Laboratories and had been found to be de minimis. Ms. Royson stated that SEC staff had also reviewed the changes and agreed that the changes were de minimis and would not affect the operation of the system. Ms. Bensch asked if these changes would

result in any new costs to the State or local jurisdictions. Ms. Andino replied that the changes would not result in any new costs.

Ms. Bensch asked how much Help America Vote Act funding had S.C. received so far. Ms. Andino replied that S.C. had received approximately \$40 million.

Ms. Andino gave a report on the Harms vs. Hudgens lawsuit, stating that the agency was aware that a suit had been filed, but no one had yet been served.

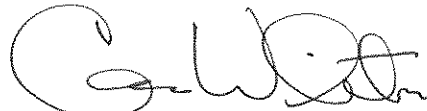
Ms. Andino gave a report on the agency budget. She stated that funding for the 2010 Primaries is not included in the FY2010 state budget. She stated that 2008 Primary and General Election funds could be carried over and used in 2010. Ms. Andino stated these carry-over funds would not be sufficient, and that the Budget and Control Board would be notified that the Agency would be running a deficit. Ms. Andino stated that some funds that had been cut from the Agency budget in FY2009 had been restored, and therefore, it appears a reduction in force will not be necessary.

Ms. Andino provided a report on election-related legislation. She stated that no major election reforms were passed this year, although bills providing for early voting, voter ID, and reform of the nomination by petition process all saw substantial movement in the legislative process and would be issues to watch in the 2010 session.

Chairman Hudgens stated that the State Election Commission would meet again at 10:00 a.m. on June 17, 2009.

There being no further business, Ms. Pinson moved to adjourn the meeting of the State Election Commission. Ms. Bensch seconded the motion. The motion carried unanimously and the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Whitmire", written over a horizontal line.

Chris Whitmire
Public Information Officer

STATE ELECTION COMMISSION
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

June 17, 2009
10:00 a.m.

Present: Mr. John H. Hudgens, III, Chairman; Mr. Tracey C. Green (via teleconference); Ms. Cynthia M. Bensch (via teleconference); Ms. Pamela B. Pinson (via teleconference); and Mr. Tom Waring (via teleconference)

Others Present: Ms. Marci Andino, Executive Director

THE MEETING OF THE STATE ELECTION COMMISSION WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens thanked the Board for their attendance today via telephone in efforts to help reduce costs due to tight budget constraints. He stated that meetings would continue to be held via telephone when no visitors are expected or no hearings are being conducted. Chairman Hudgens then called the meeting of the State Election Commission (SEC) to order and asked if all notices of the meeting were posted as required by the Freedom of Information Act. Ms. Andino replied that the notices had been posted.

The first order of business was the approval of minutes from the June 27, 2008, meeting of the State Board of Canvassers; and the minutes from the May 20, 2009, meeting of the State Election Commission. Chairman Hudgens reviewed minutes to be approved and asked if any member had any changes to be made. Mr. Waring asked if the June minutes date was correct. Ms. Andino replied that when reviewing past minutes it was discovered that those minutes had been omitted and needed to be approved for the record. Mr. Waring moved to approve all minutes as presented. Ms. Pinson seconded the motion. The motion passed unanimously and the minutes were approved.

The next order of business was a report on the Help America Vote Act (HAVA) – 2008 and 2009 funds. Ms. Andino reminded the commission that HAVA passed in 2002 and funds were appropriated for 2003/2004. HAVA required a state plan to obtain federal funds. In order to receive the 2008/2009 funds, the state plan committee updated the state plan. The updated state plan was posted for a 30 day comment period. The Governor has sent a letter to the U.S. Election Assistance Commission so SC may receive the funds. SC will receive \$2.9M and has \$156,000 in matching funds on hand as required by HAVA. Ms. Andino explained that the funds have to be spent in accordance to the state plan which calls for replacement of our current voter registration system. The agency is currently working on a Request for Proposal (RFP).

Ms. Bensch asked for clarification since the state had spent \$34M to replace the voting system just a few years ago. Ms. Andino explained that the money will be used for replacing our current voter registration system not the voting system. Ms. Andino stressed the importance of replacing the voter registration system as the State prepares for the 2010 census and subsequent

reapportionment. Chairman Hudgens asked what the timeframe was for the new system. Ms. Andino stated that the RFP would not be released for a few months.

The next item under new business was a statement by Chairman Hudgens reminding commissioners that we are entering into a new political season with the Governor's race and wanted to remind commissioners that they should not make any financial contributions or participate in any political campaigns. He stated that if anyone had any questions regarding these guidelines to contact him.

The next order of business was an update on the agency budget. Ms. Andino reminded the commission that as reported last month some of the budget reductions taken earlier in the fiscal year had been restored. However, additional across the board cuts could be ordered in the next few months since the Board of Economic Advisors is projecting a \$120M deficit for FY 2010. This could result in a 2 1/2 - 3 percent cut for the agency.

Ms. Andino provided a report on election-related legislation. She stated that there had been no changes in legislation and that early voting and voter ID were on hold until January. When the General Assembly returned this week, no election bills were considered.

There being no further business, Ms. Pinson moved to adjourn the meeting of the State Election Commission. Mr. Waring seconded the motion. The motion carried unanimously and the meeting was adjourned.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Cindy Peel".

Cindy Peel
Administrative Assistant

STATE ELECTION COMMISSION
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

July 15, 2009
10:00 a.m.

Present: Mr. John H. Hudgens, III, Chairman; Ms. Cynthia M. Bensch (via teleconference); Mr. Tracey C. Green (via teleconference); Ms. Pamela B. Pinson (via teleconference); and Mr. Tom Waring (via teleconference)

Others Present: Ms. Marci Andino, Executive Director; Ms. Donna Royson, Deputy Executive Director; and Mr. Chris Whitmire, Public Information Officer

THE MEETING OF THE STATE ELECTION COMMISSION WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting of the State Election Commission (SEC) to order and asked if all notices of the meeting were posted as required by the Freedom of Information Act. Ms. Andino replied that the notices had been posted.

The first item of business was the approval of minutes from the June 17, 2009, meeting of the State Election Commission. Chairman Hudgens noted that each member had been provided copies of the minutes prior to the meeting and asked if there were any motions for changes to the minutes. There were none. Mr. Waring moved to approve the minutes as they were. Ms. Bensch seconded the motion. The motion passed unanimously, and the minutes were approved.

Next on the agenda was new business with the first item being voting system changes. Ms. Royson stated that ES&S (Election Systems and Software) had requested to change the manner in which batteries are replaced in the voting machine motherboards. She stated that prior to the change, replacing these batteries required the battery wires to be removed, and the wires of the new battery to be soldered to the motherboard. The change would allow the wires of the old battery to be clipped, and the new battery wires to be soldered to the old wires, avoiding soldering on the motherboard. Ms. Royson stated that the SEC was working with Midlands Technical College and ES&S to provide training to any county employees who may be performing this task. Ms. Royson stated there was a second engineering change order that related to one of two scanners counties use to scan paper ballots. She stated the batteries used in the scanner were no longer available from the original supplier, and that ES&S had requested to use a battery from a different supplier. Ms. Royson stated that independent testing laboratories had studied these engineering change orders and had found them to be de minimis.

The next item under new business was the S.C. House of Representatives District 48 Special Election. Ms. Andino stated that Rep. Carl Gullick had resigned recently creating a vacancy that necessitated a special election. She pointed out that District 48 falls completely within York County and reviewed specific dates of the special election calendar with the Board. Chairman Hudgens asked members of the Board to be aware of these dates as it relates to certification and protest hearings; and that specific meeting dates and times, as they relate to the special election, would be discussed in the next meeting of the SEC.

The next item of new business was planning for the 2010 General Election. Ms. Andino stated that work was underway to prepare for the 2010 Primaries and General Election. She stated that

SEC staff had begun preparing master databases, visiting the counties and gathering information such as the specific offices and districts up for election in each county. Ms. Andino stated that the SEC had been working on two new training classes: one on the roles and responsibilities of election directors, targeted at new directors; and the other on auditing, designed to strengthen the election results auditing process. Ms. Andino stated that the SEC was preparing for the possibility of passage and implementation of early voting and voter identification legislation in early 2010. She stated that the SEC would be prepared if and when the legislation passes, and that training and education of county election officials, as well as voters, would be of great importance. Chairman Hudgens asked if the General Assembly would provide funding for voter education efforts. Ms. Andino stated that the need for funding was made known through the bill's fiscal impact statement, but she was not optimistic that funding would be provided. She stated that voter education efforts might need to be funded as a General Election expense. Ms. Bensch asked if the SEC could work with political parties to help inform voters about changes to voter ID requirements and early voting procedures. Ms. Andino stated that it is the SEC's responsibility to make sure the general public is informed of these changes; but that the Agency's public information materials will certainly be available to the political parties, and any other organizations who wish to help disseminate them.

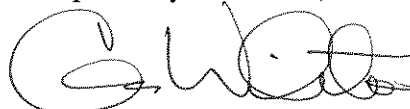
Next on the agenda was old business and an update on the agency budget. Ms. Andino stated there had been no budget cuts yet for fiscal year 2010, but that she expected cuts of two to three percent when the State Budget and Control Board (B&CB) next met. She stated that the SEC had put the B&CB on notice that the Agency could run a deficit for fiscal year 2010 since the 2010 Primaries were not funded in the agency budget. Ms. Andino stated that the fiscal year 2011 budget request was due in August, and funding for the 2010 General Election would be included in that request.

The next item under old business was the statewide voter registration system. Ms. Andino stated that work continued on development of a Request for Proposals (RFP) to replace the current, antiquated system. She stated that the Agency had been working with the State Procurement Office and that the RFP was several months from completion.

Chairman Hudgens stated that the next meeting of the SEC would be on August 19, 2009, at 10:00 a.m.

There being no further business, Ms. Pinson moved to adjourn the meeting of the State Election Commission. Ms. Bensch seconded the motion. The motion carried unanimously and the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Whitmire", written over a horizontal line.

Chris Whitmire
Public Information Officer

STATE ELECTION COMMISSION
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

August 19, 2009
10:00 a.m.

Present: Mr. John H. Hudgens, III, Chairman; Ms. Cynthia M. Bensch (via teleconference); Mr. Tracey C. Green (via teleconference); Ms. Pamella B. Pinson (via teleconference); and Mr. Tom Waring (via teleconference)

Others Present: Ms. Marci Andino, Executive Director; Ms. Donna Royson, Deputy Executive Director; and Mr. Chris Whitmire, Public Information Officer

THE MEETING OF THE STATE ELECTION COMMISSION WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting of the State Election Commission (SEC) to order and asked if all notices of the meeting were posted as required by the Freedom of Information Act. Ms. Andino replied that the notices had been posted.

The first item of business was the approval of minutes from the July 15, 2009, meeting of the State Election Commission. Chairman Hudgens noted that each member had been provided copies of the minutes prior to the meeting and asked if there were any motions for changes to the minutes. There were none. Ms. Bensch moved to approve the minutes as they were. Mr. Waring seconded the motion. The motion passed unanimously, and the minutes were approved.

Next on the agenda was new business with the first item being remarks by Chairman Hudgens regarding commissioner conduct. Chairman Hudgens reminded commissioners that they may not participate in any candidate's political campaign, including attending rallies or meetings related to a campaign, nor make contributions to candidates or attend fundraisers. Chairman Hudgens noted that it is permissible for commissioners to attend general political party meetings. Chairman Hudgens also reminded commissioners to be conscious of political e-mails they may receive, what they contain, and the way in which the e-mails are dealt with. Chairman Hudgens urged commissioners to err on the side of being overly cautious in dealing with such e-mails, as having a commissioner's name attached to a political e-mail can have the effect of drawing into question the objectivity of that commissioner.

Next on the agenda was old business with the first item being the S.C. House of Representatives District 48 Special Election. Ms. Andino stated that filing had closed and three Republicans and two Democrats had filed for the seat, and that the primaries would be held on September 15th. Ms. Andino stated that the State Board of Canvassers (SBC) was required to meet on September 18th to certify the primaries. She recommended that the regularly scheduled monthly SEC meeting also be moved to coincide with the SBC certification hearing. Chairman Hudgens stated that the SBC and the SEC would meet consecutively beginning at 10:00 a.m. on September 18th. Ms. Andino stated that any necessary runoff would be held on September 29th which would require the SBC to meet on October 2nd. Chairman Hudgens asked commissioners to keep that possible meeting date in mind.

The next item under old business was planning for the 2010 election year. Ms. Andino stated that SEC staff continued to visit counties and gather information in an effort to be better prepared

to build election databases. She also stated that staff was revising procedures and updating handbooks and forms. Ms. Andino reported that counties had begun the process of making necessary battery pack changes to voting machines.

The next item under old business was an update on the Agency's budget. Ms. Andino stated that the State Budget and Control Board met on Thursday, August 13th, and delayed a four percent cut until after the Board of Economic Advisors met that week. She stated that the Budget and Control Board meets again in September, and that more would be known then.

Next under old business was an update on the development of a new voter registration system. Ms. Andino stated that the Agency was in the process of drawing down federal funds to be used to help pay for the system, and that staff was working to prepare the request for proposals (RFP). Chairman Hudgens asked what the timetable for implementation of a new system was. Ms. Andino stated that she hoped the RFP would be finished by October. The Agency would then work with the procurement office to determine exactly how long the RFP would be open. She said the award would not likely occur until early 2010 and would not likely be in use until early 2011.

The next item under old business was the lawsuit Green Party v. SEC. Ms. Andino stated that Judge Currie issued an order granting summary judgment that the "sore loser" statute was constitutional, and that an appeal had been filed. Ms. Andino stated that Kevin Gray and others have also filed suit claiming that the SEC did not gain pre-approval for changing policies regarding fusion candidates.

Chairman Hudgens stated that the next meeting of the SEC would be on September 18, 2009, at 10:00 a.m., at which time the SBC would also meet to certify the S.C. House of Representatives District 48 Primaries.

There being no further business, Ms. Bensch moved to adjourn the meeting of the State Election Commission. Mr. Waring seconded the motion. The motion carried unanimously and the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Whitmire", written over a horizontal line.

Chris Whitmire
Public Information Officer

STATE BOARD OF CANVASSERS
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

September 18, 2009
10:00 a.m.

Present: Mr. John H. Hudgens, III, Chairman; Mr. Tracey C. Green; Ms. Pamella B. Pinson; Ms. Cynthia M. Bensch (via teleconference); and Mr. Thomas Waring (via teleconference)

Others Present: Ms. Marci Andino, Executive Director; and Mr. Chris Whitmire, Public Information Officer

THE MEETING OF THE STATE BOARD OF CANVASSERS WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting of the State Board of Canvassers (SBC) to order and asked if all notices of the meeting were posted as required by the Freedom of Information Act. Ms. Andino replied that the notices had been posted.

The only item on the agenda was the certification of the results of the S.C. House of Representatives District 48 Republican and Democratic Primaries held on September 15, 2009. Ms. Andino presented the results as follows:

Republican Primary
Roger Costner – 1,156
Ralph W. Norman – 2,665, Winner
Sam Rhodes – 40

Democratic Primary
Kathy F. Cantrell – 353, Winner
Pansy King Reid – 136

Ms. Andino stated that candidates received majorities in both primaries, and therefore no runoffs were required.

Ms. Pinson moved to certify the results of both primaries as presented by Ms. Andino. Ms. Bensch seconded the motion. The motion carried unanimously. Chairman Hudgens declared the results certified. Each board member present signed the canvass sheet for each primary.

There being no further business, Mr. Green moved to adjourn the meeting of the State Board of Canvassers. Ms. Pinson seconded the motion. The motion carried unanimously and the meeting was adjourned.

Respectfully submitted,



Chris Whitmire
Public Information Officer

STATE ELECTION COMMISSION
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

September 18, 2009
10:00 a.m.

Present: Mr. John H. Hudgens, III, Chairman; Mr. Tracey C. Green; Ms. Pamella B. Pinson (partially via teleconference); Ms. Cynthia M. Bensch (via teleconference); and Mr. Thomas Waring (via teleconference)

Others Present: Ms. Marci Andino, Executive Director; and Mr. Chris Whitmire, Public Information Officer

THE MEETING OF THE STATE ELECTION COMMISSION WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting of the State Election Commission (SEC) to order and asked if all notices of the meeting were posted as required by the Freedom of Information Act. Ms. Andino replied that the notices had been posted.

The first item of business was the approval of minutes from the August 19, 2009, meeting of the State Election Commission. Chairman Hudgens noted that each member had been provided copies of the minutes prior to the meeting and asked if there were any motions for changes to the minutes. There were none. Mr. Waring moved to approve the minutes as they were. Ms. Pinson seconded the motion. The motion passed unanimously, and the minutes were approved.

Next on the agenda was new business with the first item being commissioner license plates. Chairman Hudgens stated that information required for renewing or applying for a special state license plate must be returned to Ms. Cindy Peel by October 26th. He asked that commissioners wishing to renew or apply for the plate return the information as soon as possible as a courtesy to Ms. Peel.

Next on the agenda was the agency Accountability Report. Ms. Andino stated each September every agency was required to submit to the Governor and the General Assembly a report on the agency's overall performance in the previous fiscal year. She stated the SEC's report for fiscal year 2009 had been submitted this week and was available on scVOTES.org for review.

Next on the agenda was an update on Election Systems & Software (ES&S). Ms. Andino stated that ES&S is the vendor that provided the state's voting system, and that last week the company acquired another voting system vendor, Premier Voting Systems (formerly Diebold). Ms. Andino stated that South Carolina is vendor independent and does not rely on ES&S for regular voting system support. She said support from ES&S is limited to some hardware maintenance and software upgrades and does not anticipate the acquisition to have an impact on South Carolina. Ms. Andino noted that another voting system vendor had filed a complaint in federal court challenging ES&S's acquisition of Premier Voting Systems.

Ms. Pinson who was previously attending the meeting via teleconference joined the meeting in person.

Chairman Hudgens stated that having commissioners join regularly-scheduled meetings of the SEC via teleconference saves the agency money which is important considering the current status of the state budget. Chairman Hudgens thanked Ms. Pinson and other commissioners for their efforts to attend meetings in person when necessary, particularly when traveling from distant locations within the state. He continued by saying that at least three commissioners must be present whenever the State Board of Canvassers certifies an election or primary, and that all commissioners are asked to be present whenever the Board or SEC conducts a hearing or hears from members of the public.

The next item on the agenda was the certification of presidential candidates as requested by Ms. Bensch. Ms. Bensch stated that S.C. Code of Laws §7-11-20 required political parties to include in their certification of Presidential candidates a statement that the candidates meet, or will meet, by the time of the general election, the qualifications for that office. Ms. Bensch stated that the document provided to her by Ms. Andino did not contain this statement. Ms. Andino stated that the document she provided was the certification of candidates received by the SEC from the Democratic National Committee prior to the General Election. Ms. Andino stated she provided this document in response to Ms. Bensch's request earlier in the week for a copy of the DNC's certification of presidential candidates. Ms. Andino stated that she had received a communication from Ms. Bensch immediately prior to the meeting that made reference to S.C. Code of Laws §7-11-20, and it was at that point that she realized Ms. Bensch was referring to the certification of candidates for the Presidential Preference Primaries (PPPs). Ms. Andino stated that she then located both parties' certifications of candidates made prior to the PPPs, and that both included the required language regarding the candidates' qualifications. She stated that she had made copies available to those commissioners in attendance. Ms. Bensch asked Ms. Andino to provide her a copy of those documents, and Ms. Andino said that she would do so. Chairman Hudgens asked Ms. Bensch if that answered her questions regarding the certification of presidential candidates. Ms. Bensch asked Mr. Green for his thoughts on the matter. Mr. Green stated that he did not see anything that raised any questions in his mind. Chairman Hudgens asked Ms. Bensch why she thought this matter needed to be raised in an SEC meeting. Ms. Bensch stated there were two certification documents prepared by the DNC, and that raised questions in her mind. Chairman Hudgens suggested that this matter could be more appropriately handled by requesting information from SEC staff. Ms. Bensch asked if it was not the Board's responsibility to review these documents. Chairman Hudgens stated that this was a task that was normally carried out by SEC staff, and that the Board typically does not review such matters, but may do so when timely questions are raised. Mr. Green stated his belief that under federal law the time had lapsed to raise challenges or inquiries over the Presidential election. Chairman Hudgens stated that there is a lot of information in the public domain regarding this subject that seems to be coming from a particular viewpoint. He continued saying that commissioners need to be careful about carrying out agendas that are in opposition to the independent nature of the SEC.

Next on the agenda was old business with the first item being an agency budget update. Ms. Andino stated that the SEC had been ordered to reduce its budget by 4.04%. Ms. Andino stated that early retirement packages had been offered to three agency employees in an effort to compensate for the budget reduction. She stated if the employees did not accept the early retirement offers, there would have to be a reduction in force. Ms. Andino stated the FY2010 budget request was due on that day. She stated that the agency will request \$3.6 million for the 2010 General Election, approximately \$500,000 more than requested for previous general elections.

Next on the agenda was an update on legal matters. Ms. Andino stated that the S.C. Attorney General's office will represent the SEC in the recent suit brought by Kevin Gray and others relating to Department of Justice preclearance of candidate filing rules.

Next was an update on the agency's Training and Certification Program. Ms. Andino stated that the agency had complied with a proviso that requires the SEC to withhold the stipend for county board members who fail to complete the SEC's Training and Certification Program or for members who have completed the program, but fail to complete at least one elective per year. Ms. Andino stated that the agency has also complied with a statute that requires the SEC to notify the Governor of noncompliant county board members. She stated that the Governor's office had informed her that the office is sending letters to those noncompliant members asking if there are excusable circumstances under which the training requirement was unable to be met; and that if there is no reply after two weeks, the board members would be removed. Ms. Andino stated that participation in the Training and Certification Program had increased since the statute passed, but there are several members who have never taken a class. Chairman Hudgens stated that training of county board members is very important, particularly as it pertains to public perception, and considering the high level of scrutiny to which elections are subjected.

Chairman Hudgens stated that the next meeting of the SEC would be on October 21, 2009, at 10:00 a.m.

There being no further business, Mr. Waring moved to adjourn the meeting of the State Election Commission. Mr. Green seconded the motion. The motion carried unanimously, and the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Whitmire", with a stylized flourish at the end.

Chris Whitmire
Public Information Officer

STATE BOARD OF CANVASSERS
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

November 6, 2009
2:00 p.m.

Present: Mr. John H. Hudgens, III, Chairman; Mr. Tracey C. Green; and Ms. Cynthia M. Bensch

Others Present: Ms. Marci Andino, Executive Director; and Mr. Garry Baum, Director of Public Information and Training

THE MEETING OF THE STATE BOARD OF CANVASSERS WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting of the State Board of Canvassers (SBC) to order and asked if all notices of the meeting were posted as required by the Freedom of Information Act. Ms. Andino replied that the notices had been posted.

The only item on the agenda was the certification of the results of the S.C. House of Representatives District 48 Special Election held on November 3, 2009. Ms. Andino presented the results as follows:

Ralph W. Norman, Republican:	4,610
Kathy F. Cantrell, Democratic:	1,791
Write-in	14

Mr. Green moved to certify the results of the special election as presented by Ms. Andino. Ms. Bensch seconded the motion. The motion carried unanimously. Chairman Hudgens declared the results certified. Each board member present signed the canvass sheet.

The board discussed the possibility of receiving appeals of any protests filed in the various municipal and county elections held on November 3rd. Chairman Hudgens set a tentative date of December 4, 2009 to hear any such appeals.

There being no further business, Mr. Green moved to adjourn the meeting of the State Board of Canvassers. Ms. Pinson seconded the motion. The motion carried unanimously and the meeting was adjourned.

Respectfully submitted,



Chris Whitmire
Public Information Officer

STATE ELECTION COMMISSION
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

November 6, 2009
2:00 p.m.

Present: Mr. John H. Hudgens, III, Chairman; Mr. Tracey C. Green; and Ms. Cynthia M. Bensch

Others Present: Ms. Marci Andino, Executive Director; and Mr. Garry Baum, Director of Public Information and Training

THE MEETING OF THE STATE ELECTION COMMISSION WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting of the State Election Commission (SEC) to order and asked if all notices of the meeting were posted as required by the Freedom of Information Act. Ms. Andino replied that the notices had been posted.

The first item of business was the approval of minutes. Approval of minutes was held over until the next meeting.

Next on the agenda was new business with the first item being contingency planning for the H1N1 flu pandemic. Ms. Andino stated that SEC staff was developing a contingency plan for the agency, as well as for county election commissions, to be in place for the 2010 election year. The plan identifies essential functions and services and provides contingencies in the event of widespread staff absences.

Next on the agenda was a legislative report. Ms. Andino stated that the federal Military and Overseas Voter Empowerment Act recently passed, and that SEC staff was reviewing the Act's specific requirements and how they may affect current agency policies and practices.

Next on the agenda was old business with the first item being an agency budget update. Ms. Andino stated that two Agency employees are taking early retirements and that those retirements would help with the Agency budget shortfall.

Next on the agenda was an update on legal matters. Ms. Andino stated that the recent lawsuit brought by Kevin Gray and others would be heard on November 18, 2009.

Mr. Green made a motion to move into executive session to discuss personnel matters. Ms. Bensch seconded the motion. The motion passed unanimously, and the board moved into executive session.

Mr. Green made a motion to move out of executive session. Ms. Bensch seconded the motion. The motion passed unanimously, and the board moved out of executive session.

Mr. Hudgens stated the next SEC meeting is tentatively planned for 10:00 a.m. on December 16th. He stated that if any appeal hearings related to any November 3rd elections are tentatively planned for December 4th.

There being no further business, Ms. Bensch moved to adjourn the meeting of the State Election Commission. Mr. Green seconded the motion. The motion carried unanimously, and the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Whitmire". The signature is fluid and cursive, with a large initial "C" and a distinct "W".

Chris Whitmire
Public Information Officer

STATE ELECTION COMMISSION
2221 Devine Street, Suite 105
Columbia, South Carolina 29205

December 16, 2009
10:00 a.m.

Present: Mr. John H. Hudgens, III, Chairman; Ms. Cynthia M. Bensch (via teleconference); Mr. Tracey C. Green (via teleconference); and Mr. Tom Waring (via teleconference)

Others Present: Ms. Marci Andino, Executive Director; and Mr. Chris Whitmire, Public Information Officer

THE MEETING OF THE STATE ELECTION COMMISSION WAS HELD PURSUANT TO THE FREEDOM OF INFORMATION ACT AND ALL REQUIRED NOTIFICATIONS WERE MADE.

Chairman Hudgens called the meeting of the State Election Commission (SEC) to order and asked if all notices of the meeting were posted as required by the Freedom of Information Act. Ms. Andino replied that the notices had been posted.

The first item of business was the approval of minutes from the October 21, 2009, meeting of the State Election Commission and the November 6, 2009, meetings of the State Election Commission and State Board of Canvassers. Chairman Hudgens stated that each member had been provided copies of the minutes prior to the meeting and asked if there were any motions for changes to the minutes. There were none. Ms. Bensch moved to approve the minutes as they were. Mr. Waring seconded the motion. The motion passed unanimously, and the minutes were approved.

Next on the agenda was new business with the first item being a report on federal election legislation. Ms. Andino stated that the Military and Overseas Voter Empowerment Act (MOVE) had recently been signed into law. She stated that the bill changes federal requirements for voters covered by the Uniformed and Overseas Citizen Absentee Voting Act (UOCAVA). Ms. Andino stated that that South Carolina was already compliant with most of the new requirements and that the bill will have a minor affect on the State's election process. She stated that the changes must be in effect for the 2010 General Election, and SEC staff was in the process of implementation.

Ms. Andino stated that the Agency had received a preliminary report from the State Auditor's office and that Commissioners will be receiving copies of the report. She stated there were no major findings in the report and that the Agency must respond by January 1, 2010.

Next on the agenda was old business with the first item being the State Budget. Ms. Andino stated that the State Budget and Control Board met this week and passed a 5% across-the-board budget cut. She reported that the cut was the second cut of the fiscal year. The first was a 4.04% cut in September. The two cuts combined amounted to more than \$96,000. Ms. Andino stated that the Agency budget was cut five times in the previous fiscal year by 13%, 7%, 2%, 14%, and 1%. Those cuts combined amounted to more than \$434,000. She stated that approximately \$170,000 was restored in the previous fiscal year, which brought the total percentage cut in the previous fiscal year to approximately 15%. Ms. Andino stated that the Board of Economic Advisors would meet again that week to assess budget revenue projections.

The next item under old business was an update on the voter registration system. Ms. Andino stated that she reported earlier in the year that a Request for Proposals for a new voter registration system would be issued in fall 2009, but since that time research findings had forced the agency to explore other options. She stated that a survey of other states that had recently purchased commercially available voter registration systems found that a new system could cost between \$6M and \$60M. The survey also found that yearly maintenance costs for these systems ranged from \$800,000 to \$14M. Ms. Andino stated that the Agency is currently exploring the option of developing a custom system. The system would be owned by the State of South Carolina, eliminating leasing fees and making future changes to the system more economical. In preparation the Agency is currently contracting with NWN Corporation to define the requirements for the system.

The next item under old business was a legal update. Ms. Andino stated that the SEC had been notified that the S.C. Supreme Court had vacated the State Board of Canvassers' ruling in the Town of Bluffton appeal and remanded the case to circuit court. She stated the long term effect of the ruling will be that the State Board of Canvassers will no longer hear appeals of municipal election protests heard by county boards of canvassers. County decisions in municipal protests should be appealed to circuit court.

Ms. Andino also reported that the SEC had received an Order on Discovery from U.S. District Court in the Gray v. SEC case asking the agency to provide answers to questions relating to fusion candidates. SEC staff is working with the S.C. Attorney General's office to answer the order.

Mr. Hudgens stated the next SEC meeting is planned for 10:00 a.m., January 20, 2010.

There being no further business, Mr. Green moved to adjourn the meeting of the State Election Commission. Ms. Bensch seconded the motion. The motion carried unanimously, and the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Whitmire", written over a horizontal line.

Chris Whitmire
Public Information Officer